

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICARDO MIQUEL
ZEFERINO BARBOSA,
Plaintiff,

v.

CIVIL ACTION NO. 14-13439-ADB

COMMONWEALTH OF MASSACHUSETTS,
et al.,
Defendants.

REPORT AND RECOMMENDATION ON
MOTION TO DISMISS DEFENDANT, SHERIFF
HONORABLE MICHAEL G. BELLOTTI SUA SPONTE (#128).

KELLEY, U.S.M.J.

The portion of plaintiff's motion (#128) seeking to dismiss defendant Sheriff Michael G. Bellotti sua sponte has been referred to the undersigned for the issuance of a report and recommendation as to disposition. The defendants have not opposed the sua sponte dismissal, *see* #131, so I RECOMMEND that the Motion to Dismiss Defendant, Sheriff Honorable Michael G. Bellotti Sua Sponte (#128) be ALLOWED.

Review by District Court Judge.

The parties are hereby advised that any party who objects to this recommendation must file specific written objections with the Clerk of this Court within 14 days of the party's receipt of this Report and Recommendation. The objections must specifically identify the portion of the recommendation to which objections are made and state the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated

that failure to comply with Rule 72(b), Fed. R. Civ. P., shall preclude further appellate review. *See Keating v. Secretary of Health & Human Servs.*, 848 F.2d 271 (1st Cir. 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986); *Scott v. Schweiker*, 702 F.2d 13, 14 (1st Cir. 1983); *United States v. Vega*, 678 F.2d 376, 378-379 (1st Cir. 1982); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980); *see also Thomas v. Arn*, 474 U.S. 140 (1985).

/s / M. Page Kelley

M. Page Kelley

United States Magistrate Judge

March 31, 2017